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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/749,480	12/26/2000	Peter J. Kennedy	6169-141	4365

7590 10/03/2002

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EXAMINER

LANEAU, RONALD

ART UNIT	PAPER NUMBER
2674	

DATE MAILED: 10/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

105

Office Action Summary	Application No.	Applicant(s)
	09/749,480	KENNEDY ET AL.
	Examiner	Art Unit
	Ronald Laneau	2674

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 21 January 2002.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-21 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-21 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892)

4) Interview Summary (PTO-413) Paper No(s). _____.

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

5) Notice of Informal Patent Application (PTO-152)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.

6) Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sellers (6,054,979).

As per claims 1, 11, and 12, Sellers teaches a touchpad 132 for use as a data input terminal for a computer such as a computer system shown in figure 1. The touchpad 132 responds to either user finger contact or to contact by the stylus 116 (see col. 3, lines 20-25). Sellers further teaches contact information when contact is made by the user's finger or by a stylus. A surface area of the user's finger form an electrical connection between the conductors in the X-Y matrix and similar results occur during stylus contact with appropriate conductor spacing in the X-Y matrix (see col. 5, lines 49-58, figs, 7 and 8). Sellers does not teach a touchscreen system as claimed but it would have been obvious to one of ordinary skill in the art to utilize a touchscreen rather than a touchpad because it would provide an accurate reading when it comes to detecting which input pointer touches the screen whether it is a stylus or a finger.

As per claims 2 and 13, the device taught by Sellers would inherently comprise a threshold value when determining the contact information as claimed.

As per claims 3, 4, 14, and 15, Sellers teaches a surface area of the user's finger form an electrical connection between the conductors in the X-Y matrix and similar results occur during

stylus contact with appropriate conductor spacing in the X-Y matrix (see col. 5, lines 49-58, figs. 7 and 8).

As per claims 5-9 and 16-20, Sellers does not explicitly teach detecting the duration of contacts, distance from said detected contact but it would have been obvious to one of ordinary skill in the art to utilize a detection as claimed for the same reasons given in claim 1.

As per claims 10 and 21, Sellers does not teach a visual interface in said touchscreen which corresponds to said finger contact or said stylus contact but it would have been obvious to one of ordinary skill in the art to utilize a touchscreen including a visual interface for the same reasons given in claim 1.

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Dorfman et al (6,029,214), Knapp (5,270,711).

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Laneau whose telephone number is 703-305-3973. The examiner can normally be reached on Monday-Thursday from 8:00 AM to 6:00 PM or via email: ronald.laneau@uspto.gov.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe can be reached at 703-305-4709.

5. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Art Unit: 2674

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Ronald Laneau
Examiner
Art Unit 2674



RICHARD HJERPE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

rl
September 27, 2002